

TOWN CLERK

Town of Upton



Massachusetts

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CERTIFICATION OF PROCEEDINGS

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF UPTON
SPECIAL TOWN MEETING**

November 18, 2008

Called to order at 7:30 pm by Moderator David Loeper.

During this meeting, 89 voters were checked in to the Nipmuc Regional Middle/High School by Barbara Burke and M. Denise Smith meeting the necessary quorum of 40 voters.

Chairman Robert Fleming addressed the voters. He introduced our Town Counsel Patricia Cantor. Ms. Cantor will be representing Upton now that our previous Town Counsel moved on to other opportunities. Chairman Fleming also asked the voters for recognition of Robert Perkins, Town Accountant. Bob is retiring after serving the Town of Upton for the last 21 years. The voters responded with a round of applause.

By unanimous vote, guests present were Jon Miguel, Cable Access; Patricia Cantor, Town Counsel; Ron San Souci, Water Dept; Natasha Heimarath, Director of COA; Michelle Sanford, Town Crier; Boy Scout, Eric Rapp; Shane Selby; Hiroshi Takano; Brandon Blanchard and Brendon Ennis from Pare Engineering.

ARTICLE 1: Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Twenty-eight thousand dollars (\$28,000) from the Community Preservation Act Reserved Fund Balance Undesignated FY2009 to the Reserved Fund Balance – Historic Resources.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 2: Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Twenty- eight thousand dollars (\$28,000) from the Community Preservation Act Reserved Fund Balance Undesignated FY2009 to the Reserved Fund Balance – Open Space.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 3: Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Twenty-eight thousand dollars (\$28,000) from the Community Preservation Act Reserved Fund Balance Undesignated FY2009 to the Reserved Fund Balance – Community Housing.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 4: Upon motion of Rena Richard, it was moved that the Town vote to transfer the sum of Five thousand two hundred twenty-six dollars and sixty-five cents (\$5,226.65) which is the remainder of the original appropriation from the Recreation Irrigation System Account to the Community Preservation Act Reserved Fund Balance Undesignated FY2005.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 5: Upon motion of Rena Richard, it was moved to pass over Article 5.

Favorable Recommendation from the Community Preservation Committee

The Moderator declared the motion passed unanimously

ARTICLE 6: Upon motion of Michael Bradley, it was moved that the Town vote to appropriate from available unappropriated funds in the Town treasury the sum of Twenty-eight thousand four hundred six dollars (\$28,406.00) to purchase (1) 2009 Ford Explorer 4-wheel drive fully equipped Police Cruiser to replace an existing vehicle in the fleet.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed by majority

ARTICLE 7: Upon motion of Michael Bradley, it was moved that the Town vote to appropriate from available unappropriated funds in the Town treasury the sum of Nine thousand eight hundred forty-eight dollars (\$9,848.00) to purchase (2) Two Motorola MTR 2000 Repeaters to replace the existing Police and Fire repeater system located on the Gable Street Tower. This new system is needed to replace an older model Motorola system that has been experiencing intermittent failures.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed unanimously

ARTICLE 8: Upon motion of Ken Picard, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury, a supplemental sum of Forty one thousand two hundred fifty-nine dollars, (\$41,259.00) to fund the contractual dollar amount for the Upton Police and Communication Departments, for FY09 beginning July1, 2008, said amount agreed to under terms of the collective bargaining agreement between the Town of Upton, and the Upton Police and Communication Departments, Local #162, Agreement signed October 14, 2008.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed unanimously

ARTICLE 9: Upon motion Ken Picard, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury a supplemental sum of Twenty four thousand nine hundred forty eight dollars and seventy-four cents (\$24,948.74) to fund the contractual dollar amount for the Upton DPW Supervisors, for FY08 and FY09 beginning July1, 2007, said amount agreed to under terms of the collective bargaining agreement between the Town of Upton, and the Upton DPW Supervisors Department, Local #170 Supervisors, Agreement signed September 30, 2008.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed unanimously

ARTICLE 10: Upon motion of Ken Picard, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury a supplemental sum of One thousand dollars (\$1, 000.00) to fund Line Item #01-122-5425 Selectmen-Architectural Retainer Account for the remainder of FY09.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed by majority

ARTICLE 11: Upon motion of Michael Goodwin, it was moved that the Town, pursuant to M.G.L. c. 82A, §2, vote to designate the Board of Selectmen as the means by which the Town shall designate the Board or Officer to issue permits for the purpose of creating a trench as that term is defined by M.G.L. c. 82A, §4 and 520 CMR 14.00.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed unanimously

ARTICLE 12: Upon motion of Christine Scott, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Five thousand dollars (\$5,000.00) to be administered by the Conservation Commission, for managing beaver related problems that occur on Town Property or affect public safety through the remainder of FY09. Funds will be utilized to include, but not limited to, costs for beaver deceivers, culvert fencing, trapping, management plans, and a maintenance contract.

Favorable Recommendation from the Finance Committee

Upon motion of Alfred Holman, it was moved to amend the motion by adding “and the Board of Health” after Conservation Commission.

The Moderator declared the amendment passed by majority

The Moderator declared the amended motion passed unanimously

ARTICLE 13: Upon motion of Julius Walent, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Six hundred dollars (\$600.00) for the purchase and installation of a Dishwasher at the Senior Center to continue the programs that are provided at the center.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed majority

ARTICLE 14: Upon motion of Robert Fleming, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Seventy two thousand three hundred eighty dollars (\$72,380.00) to supplement the Insurance Expense Account (01-945-5742) for the remainder of FY2009. This request is due to increases in medical insurance, property & casualty, and public officials insurance for FY09.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed unanimously

ARTICLE 15: Upon motion of Michael Goodwin, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of Four thousand dollars (\$4,000.00) to supplement the Town Buildings Expense Account (01-192-5421) for the remainder of FY2009. This request is due to an emergency repair to replace/repair the Radiator in the Emergency Generator in the Town Hall.

Unfavorable Recommendation from the Finance Committee

The Moderator declared the motion lost

ARTICLE 16: Upon motion of Robert Fleming, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Fourteen thousand six hundred seventy-seven dollars and sixty-five cents (\$14,677.65) for the purpose of a supplemental appropriation to the Town Accountant – Wages Account (01-135-5100) to fund the transition period and the remainder of FY09, for the new Town Accountant.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed by majority

ARTICLE 17: Upon motion of Ken Picard, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Three thousand five hundred dollars (\$3,500.00) for the Technical assistance necessary (by a certified Engineering Firm) to complete and submit the Towns mandated “Water Management Act Permit” due in November 2008.

Favorable Recommendation from the Finance Committee

The Moderator declared the motion passed unanimously

ARTICLE 18: Upon motion of Robert Fleming, it was moved that the Town vote the sum of two hundred forty one thousand four hundred sixty dollars (\$241,460.00) is hereby appropriated for the purpose of paying costs of upgrading the Station Street Sewage Pump Station, including, but not limited to legal, engineering, design and project management fees, construction costs, and all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(5) of the General Laws or any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that although this borrowing will constitute a general obligation of the Town for which its full faith and credit is pledged, funds for the repayment of this borrowing shall, in the first instance, be raised 50% from general taxation, and 50% from a surcharge to the Wastewater System Users, and provided, further, that this appropriation and borrowing is contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws Chapter 59, § 21C(k) (also known as Proposition 2 ½).

Favorable Recommendation from the Finance Committee

Moderator declared this motion needs a 2/3 majority

Upon motion of William Andrews, it was moved to question

The Moderator declared the motion passed unanimously

The Moderator declared the motion passed by 2/3 majority

ARTICLE 19: Upon motion of Robert Fleming, it was moved that the Town vote the sum of one million sixty one thousand one hundred fifty-nine dollars (\$1,061,159.00) is hereby appropriated to pay costs of replacing old water mains (approximately 5,300 Lf. from Route 140 at the Town Hall to approximately 400Ft. East of Maple Ave.), and installing new water mains along Route 140, including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow such amount under and pursuant to Chapter 44, Section 8(4) of the General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; provided, however, that although this borrowing will constitute a general obligation of the Town for which its full faith and credit is pledged, funds for the repayment of this borrowing shall, in the first instance, be raised 50% from general taxation, and 50% from a surcharge to Water System Users, and provided, further, that this appropriation and borrowing is contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws Chapter 59, § 21C(k) (also known as Proposition 2 ½).

Favorable Recommendation from the Finance Committee

Moderator declared this motion needs a 2/3 majority

Upon motion of Alan Rosenfield, it was moved to question

The Moderator declared the motion passed unanimously

The Moderator declared the motion passed by 2/3 majority

Upon motion of William Young, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 9:05 pm.

Motion passed by majority

A True Copy,
ATTEST:

Kelly A. McElreath
Town Clerk